

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DAVID WAILES,

Plaintiff,

v.

ALLSTATE INSURANCE COMPANY, a  
foreign insurance company, and DAVID  
BAMFORD, an individual,

Defendants.

CASE NO. 2:23-cv-01651-TL

ORDER TO SHOW CAUSE  
REGARDING SUBJECT  
MATTER JURISDICTION

This matter is before the Court *sua sponte*. This matter arises out of an auto insurance claim related to a motor vehicle collision. *See* Dkt. No. 1-1 (complaint). On October 30, 2023, Defendant Allstate Insurance Company filed a notice of removal from King County Superior Court. *See* Dkt. No. 1 (notice). Defendant Allstate asserts diversity jurisdiction on the basis that Defendant David Bamford, an employee of Defendant Allstate who handled the insurance claim, is fraudulently joined as a party to the case and should be disregarded for purposes of determining whether diversity jurisdiction exists. *Id.* at 3–4.

ORDER TO SHOW CAUSE  
REGARDING SUBJECT  
MATTER JURISDICTION - 1

This Court recently addressed the question of whether individual insurance adjuster employees—like Mr. Bamford—may be liable for certain Washington law claims, including the common law bad-faith claim asserted here. *See Xu v. Weis*, No. C22-118, 2023 WL 2142683 (W.D. Wash. Feb. 21, 2023). The Court rejected Defendant Allstate’s claim—repeated here (Dkt. No. 1 ¶¶ 12–13)—that the Washington Supreme Court’s decision in *Keodalah v. Allstate Ins. Co.*, 449 P.3d 1040 (2019), forecloses such a claim. *See Xu*, 2023 WL 2142683, at \*3–4. Its decision was in harmony with other decisions of this District. *See id.* at \*4 (collecting cases).

Accordingly, Defendants are ORDERED TO SHOW CAUSE why this matter should not be remanded to King County Superior Court:

- Defendants SHALL respond **within fourteen (14) days** of this Order addressing the issue of fraudulent joinder, as set forth in the Notice of Removal (Dkt. No. 1).
- Plaintiff SHALL submit a response **within seven (7) days** after Defendants’ response to this Order.
- Any brief SHALL NOT exceed **ten (10) pages**.
- No reply brief is permitted.

Dated this 31st day of October 2023.

  
 \_\_\_\_\_  
 Tana Lin  
 United States District Judge